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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,265	07/31/2003	Richard Albert Brown	ACST003-US0	3790
7590	07/22/2005		EXAMINER	
Patrick Stelltano 2803 Inridge Dr Austin, TX 78745			LIEU, JULIE BICHNGOC	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SM

Office Action Summary

Application No.

10/631,265

Applicant(s)

BROWN, RICHARD ALBERT

Examiner

Julie Lieu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6,7,9,10,12,13,15 and 19-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24,28 and 29 is/are rejected.
- 7) ☒ Claim(s) 25-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is in response to Applicant's amendment filed March 31, 2005. Claims 1, 7, 9, 10, and 20 have been amended. Claims 3, 4, 5, 8, 11, 14, and 16-18 have been canceled. New claims 21-29 have been added.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 1, 2, 10, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (US Patent No. 6,211,783).

Claim 10:

Wang discloses a system or detecting a critical event in a premise, comprising:

- a. A plurality of motion sensors at fixed locations within a house to detect condition of no motion relative to at least one of the fixed sensors within the house;
- b. An alarm responsive to said no-motion condition.

Though the Wang system is not particularly used in a pilothouse of a vessel, one skilled in the art would have readily recognized using this system in any environment as desired because the function of the system will not thereby be modified. The detection of absence of motion of a person to initiate an alarm in absence of motion thereof would still be achieved.

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See summary of invention and col. 4, lines 10-63.

Claim 12:

In Wang, An alarm is audible only if said condition persists for a specified time interval.

Claim 13:

As discussed previously, Wang does not discuss the use of the device in a pilothouse of a vessel, in particular; therefore a throttle of the vessel in forward or reverse state is not discussed. However, it would have been obvious to one skilled in the art to use the system in such environment as desired and to provide an alarm only if the condition is detected when a throttle of the vessel is in forward or reverse state because it is not necessary to know whether there is a personnel present in the pilot house or not if the vessel is not moving. Depending the environment the system is used, a skilled artisan would have readily known how to modify the system to function accordingly.

Claims 1 and 2:

The rejection of claims 1 and 3 recites the rejection of claims 10 and 12, except they are method claim.

4. Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (US Patent No. 6,211,783) in view of Ellis (US Patent No. 5,045,830).

Claim 15:

In Ellis, an alarm is inaudible if the condition persists for a first specified time interval and is audible if said condition persists for a second specified time interval greater than the first time interval. Col. 3 last paragraph and col. 4, first paragraph. Thus, it would have been obvious

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to one skilled in the art to use this feature in Wang's system as desired because it would provide more clear and noticeable indications for more urgent conditions.

Claim 6:

The rejection of claim 6 recites the rejection of claim 15, except it is method claim.

5. Claims 19, 20, 23, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (US Patent No. 6,211,783) in view of in view of Yorkey (US Patent No. 5,805,064).

Claim 19:

Wang discloses a system or detecting a critical event in a premise, comprising:

- a. A plurality of motion sensors at fixed locations within a house to detect condition of no motion relative to at least one of the fixed sensors within the house;
- b. An alarm indicating the existence of a condition of no motion for a predeterminable duration of time.

Though the Wang system is not particularly used in a pilothouse of a vessel, one skilled in the art would have readily recognized using this system in any environment as desired because the function of the system will not thereby be modified. The detection of absence of motion of a person to initiate an alarm in absence of motion thereof would still be achieved.

See summary of invention and col. 4, lines 10-63 in Wang.

Regarding the claimed machine accessible memory located on the vessel, Yorkey teaches a memory to store previous alarms in the system and accessible from an interface. Therefore, one skilled in the art would have readily recognized using this feature in the Wang security system because it would allow a user to observe alarm events that happened previously for

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analysis of a situation. One skilled in the art would have readily recognized that since a no-motion detection is an alarm in the Wang system it would also be recorded for further evaluation of the situation. See fig. 11 in Yorkey.

Claim 20:

Wang discloses a mechanism to communicate the existence of the condition to place remote from the monitored place, which is exterior to the place.

Claim 23:

As discussed previously, Wang does not discuss the use of the device in a pilothouse of a vessel, in particular; therefore a throttle of the vessel in forward or reverse state is not discussed. However, it would have been obvious to one skilled in the art to use the system in such environment as desired and to provide an alarm only if the condition is detected when a throttle of the vessel is in forward or reverse state because it is not necessary to know whether there is a personnel present in the pilot house or not if the vessel is not moving. Depending the environment the system is used, a skilled artisan would have readily known how to modify the system to function accordingly.

Claims 28 and 29:

It is not clear whether the stored previous events in Wang include a loss of electrical power. However, this concept is old in the art as taught in Yorkey. Therefore, it would have been obvious one skilled in the art to use this teaching in the system of Wang because it would allow the user to have more information about the previous alarm events. See front-page figure (NO AC).

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6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (US Patent No. 6,211,783) in view of Yorkey (US Patent No. 5,805,064) and further in view of Ellis (US Patent No. 5,045,830).

Claim 24:

Wang fails to disclose first and second alarms as claimed. However, the use of progressive alarms is old in the art as taught in Ellis, wherein a first alarm activated if the condition persists for a first specified time interval and a second alarm activated if the condition persists for a second time interval greater than first specified time interval. Col. 3 last paragraph and col. 4, first paragraph. Therefore, it would have been obvious to one skilled in the art to modify the Wang system to provide different stages of alarm depending on the urgency of the alarm.

Allowable Subject Matter

7. Claims 25-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Remarks

8. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

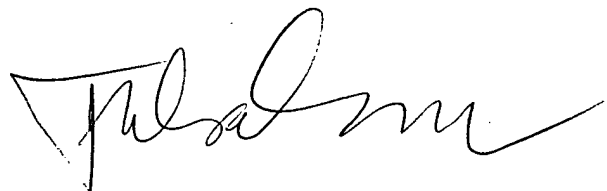
9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Julie Lieu
Primary Examiner
Art Unit 2636

Jul 19, 05